

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RODNEY & DAWN CHESTNUT,

Plaintiffs,

-against-

WELLS FARGO BANK, N.A.,

Defendant.  
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Case No. 10-CIV-4244 (JS)(ARL)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Renee Garcia, dated November 1, 2010, and the exhibits annexed thereto, Defendant Wells Fargo's Memorandum of Law in Support of Its Motion to Dismiss the Complaint, dated November 1, 2010, and all prior pleadings and papers filed in this action, Defendant Wells Fargo Bank, N.A. ("Wells Fargo"), by its attorneys, Hogan Lovells US LLP, hereby moves this Court before the Honorable Joanna Seybert, at the United States Courthouse, 100 Federal Plaza, Central Islip, New York 11722, at a date and time to be set by the Court, for an order pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the claims as to Wells Fargo with prejudice in Plaintiffs' Original Petition filed in this action, and for such other relief as this Court may deem just and proper.

New York, New York  
November 1, 2010

Respectfully submitted,

By: /s/ Rene Garcia  
Allison J. Schoenthal  
Victoria McKenney  
Renee Garcia  
HOGAN LOVELLS US LLP  
875 Third Avenue  
New York, New York 10022  
Tel. (212) 918-3000  
Fax (212) 918-3100  
allison.schoenthal@hoganlovells.com  
victoria.mckenney@hoganlovells.com  
renee.garcia@hoganlovells.com

*Attorneys for Defendant  
Wells Fargo Bank, N.A.*